IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.5252 OF 2005

Mr.Jayantilal Moolchand Jain).. Petitioner

Versus

Hastimal Ganeshmal Parihar).. Respondent

Mr.Arshad Shaikh with Mr.V.M.Parkar for the Petitioner.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 11TH AUGUST 2005

P.C.:

. This Petition challenges the order dated 18th March 2005 passed by the Judge, IInd Labour Court, Thane below Exhibit 3A in Application (IDA) No.517 of 2002 directing the Petitioner to produce attendance register, cash voucher, bonus register, wages, overtime register from 1992 to April 1996. This order is challenged since the Petitioner claims that the documents have been destroyed after he closed his concern. It is submitted on behalf of the Petitioner that he is not bound to maintain any record to indicate that he had in fact destroyed the documents and, therefore, the order impugned must be set aside. It is submitted that if the order is allowed to remain, adverse inference would be drawn against the Petitioner since he is not able to produce those documents on account of them having been

destroyed.

2. The Labour Court has rightly directed the Petitioner to produce the necessary documents. However, the Petitioner claims that he has destroyed these documents. The Petitioner shall produce any document indicating that the documents have been destroyed or any further evidence indicating that he need not maintain a record of the documents which have been destroyed. In the event, the Petitioner is able to bring on record satisfactory evidence, as indicated above, the Labour Court will assess the same and decide whether adverse inference needs to be drawn.

3. Writ Petition rejected.